

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR. and
ROSLYN WOODARD SMITH,
Individually and as Administrators of
The ESTATE OF HARRY SMITH, III,

Plaintiffs,

v.

CIVIL ACTION NO. 04-1254-GMS

CITY OF WILMINGTON,

JOHN CIRITELLA, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department,

THOMAS DEMPSEY, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department,

and

MATHEW KURTEN, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department,

Defendants.

ORDER

WHEREAS, Plaintiffs having moved this Court *in limine* for an order to admit certain evidence;

WHEREAS, the Court having considered Plaintiffs' Motion *in limine* to admit certain evidence, and good cause having been shown for the relief sought in the Motion;

IT IS HEREBY ORDERED that Plaintiffs' Motion is GRANTED as to the following marked (X) evidence:

_____ death certificate of Harry Smith, III
_____ autopsy report of Harry Smith, III
_____ videotaped interview by WPD of Plaintiff Harry Smith, Jr.
_____ videotaped interview by WPD of Defendant Ciritella

_____ videotaped interview by WPD of Defendant Dempsey
_____ videotaped interview by WPD of Defendant Kurten
_____ map of Wilmington, Delaware
_____ WPD policies 6.3, 6.7 and 6.8
_____ allow jury to see police car Harry Smith, III operated
_____ allow jury to visit scene of incident at 5th and Harrison Streets

Dated this _____ day of _____, 2006.

Gregory Sleet
United States District Judge